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Native title no gift for Roebourne



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Fifteen years ago, the plight of the Aboriginal community at Roebourne was depicted in the award-winning film *Exile and the Kingdom*.

While the film showed the degraded living standards of the local people, it also demonstrated their defiant attachment to their land and culture, concentrating on the two main tribal groups, the Ngarluma and the Yindjibarndi.

At that time, the two groups lived an integrated existence in the town with a fairly high level of intermingling. Almost everyone had aunts and uncles in both groups.

But a year after their dismal situation became widely known, the prospect of native title arrived and the process of making land claims meant that people had to be part of a legally defined tribal group.

This led to the emergence of a flurry of claimants, some based around small family groupings. The Ngarluma claimed the coastal side of the land around Roebourne and the Yindjibarndi claimed the tablelands, with the smaller claimants overlapping both.

Only the Ngarluma and the Yindjibarndi won their cases, though no one was successful over the Burrup Peninsula, where the Federal Court found in 2005 that native title had been extinguished.

But little has changed for most residents of Roebourne. What little money has come from the native title process in the booming Pilbara is not widely distributed in the community

— and the people are still fighting to protect their land and their culture.

Governments at all levels seem to have washed their hands of any responsibility to ensure the benefits of native title are passed on to the communities it was meant to uplift.

In Roebourne, housing standards remain abysmal; promised employment opportunities are illusory.

Jill Churnside, head of the Ngarluma Aboriginal Corporation, the designated body corporate holding their native title, is frustrated by the lack of progress:

“Alannah MacTiernan came to Roebourne recently and she looked around and said, ‘Where’s all the native title money?’. They just don’t get it.

“You can go back 30 years, when we were fighting the Harding Dam and for all of our sacred places that are under the water now, nothing has changed. Nothing has changed when you look at the Burrup and all the destruction that is going on there.”

This week, Ms Churnside and her sister Jeannie came to Perth to meet the Aboriginal Cultural Materials Committee, an expert advisory body set up under the State Aboriginal Heritage Act.

They wanted to find out what role the committee played in approving the destruction of Aboriginal sites on Burrup Peninsula. The Ngarluma believe the committee routinely approves the desecration of Aboriginal sites — or is overruled by the responsible Minister.

Even though no native title was granted over the Burrup, companies wanting to develop it still have duties under State and Federal environmental and heritage laws.

The Gallop government sought to smooth the way for heritage clearances by forcing the claimant

groups into the controversial Burrup and Maitland Industrial Estate Agreement in exchange for \$18 million in royalties paid to the secretive Murujuga Corporation.

An inquiry by *The West Australian* last year showed that the Government let the small family claimant groups take eight out of 12 places on Murujuga’s governing committee. The groups, which number not much more than 50 people, were allowed to overpower the Ngarluma and Yindjibarndi, which represent about 900.

Not only has no money flowed to the Roebourne community from that deal, but the Ngarluma are worried that it has green-lighted the continued desecration of their heritage on the Burrup, namely the world famous rock art.

“We have fought for over 14 years since the introduction of the native title legislation to get governments to accept that our native title is real and that the Ngarluma people have a legitimate interest in the area,” Ms

Churnside said. “The Office of Native Title has done nothing but oppose our native title rights and interests and, indeed, tricked us out of our heritage on the Burrup.

“Under the guidance of the ONT, an unworkable organisation was established under the (BMIEA) agreement and that has been proved to be unworkable. Notwithstanding our repeated representations, nothing has been done.”

But now the Ngarluma Aboriginal Corporation — backed by a legal team headed by Ms Churnside’s ex-husband, former premier Peter Dowding — thinks it can challenge the process.

"We are now at our wit's end as to how to protect our heritage and we are heartened by the fact that we have legal advice which demonstrates that the approvals for the destruction of Aboriginal heritage on the Burrup may have been issued by the Minister illegally and we intend to take that issue up as forcefully as we can," Ms Churnside said.

"We also have legal advice that the State Government is in breach of the BMIEA agreement in that it was required to obtain consents of all the signatories to the heritage clearances by January 16 and it has not done so.

"Like a poker player refusing to reveal its hand, the State Government has held a meeting with us, but refused to give us any indication of what it proposes to do about its breach.

"We are also warning the Kimberley Land Council and traditional owners up that way that while the resource companies and the State Government like to talk about the rivers of benefits that will flow to the communities if they give up their native title and heritage, the fact is that they will get no support."

Behind this latest stoush is another wrangle between the State and the new Federal Government over who will control development on the Burrup since it was put on the national heritage list last year.

It is another hot potato to land in the lap of beleaguered Environment Minister Peter Garrett. The Carpenter Government is seeking to sign a bilateral agreement with Canberra for environmental approvals on the Burrup, which would transfer some Federal powers.

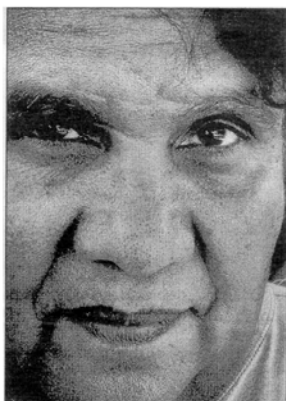
Deputy Premier and State Development Minister Eric Ripper, who has been given the direct responsibility of driving development on the peninsula, maintains he made a "handshake" agreement with former Federal minister Malcolm Turnbull. No documents were signed.

"On April 26, 2007, the then Australian Minister for the Environment and Water Resources confirmed that it was the common intention of the Commonwealth and State governments to enter into an approvals bilateral agreement for the Dampier Archipelago and the Burrup Peninsula," Mr Ripper's parliamentary secretary, Kate Doust, told the Legislative Council last month. "Negotiations in good faith will be progressed to that end."

However, it appears that Mr Garrett is not as warm about that understanding as Mr Turnbull might have been and is under considerable pressure not to sign over the Federal powers.

"It would be like putting Dracula back in charge of the blood bank," Friends of Australian Rock Art co-convenor Robin Chapple said yesterday.

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Frustrated leader: Jill Churnside.